

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

LA.App..No. 713 of 2004()

LAR.22/1999 of PRINCIPAL SUB COURT,ATTINGAL

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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: CLAIMANT:

MOHAMMEDALI, S/O.MOHAMMED KUNJU,
"SHAW" HOUSE, PALLICHAVEETTU MURI,
KARICHARA DESOM, PALLIPURAM.

BY ADV. SRI.A.AHZAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 29/05/2007, ALONG WITH LAA 741/2004 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.

**L.A.A. Nos.713, 741 & 1071 of 2004 and
1083 OF 2005**

Dated 29th May, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M.Appln.No.1482/04 in L.A.A.741/04 : Delay condoned.

Aggrieved by the land value fixed by the Land Acquisition Officer, claimants took up the matter before the reference court. The reference court, finding that the fixation of market value on the basis of the basis document is not proper, since the same is of 1991, made an attempt to properly fix the market value based on the evidence available on record. Ext.A1 is the document relied on by the claimants. That is a property lying 200 ft. away from the acquired land and has no direct access to the National Highway. AW2 is the purchaser. It has come out in evidence that the acquired property is of far more importance than the property covered by Ext.A1 and there is no contra evidence either. That evidence is unchallenged also. The land value shown is Rs.37,500/- per cent. It appears there is a mistake; the value of Rs.37,500/- is per Are. The reference court however, found that Ext.A1 has got direct access to the public road whereas such an advantage is not available to the acquired

property. It was also found that Section 4(1) notification is of August, 1994 whereas Ext.A1 was executed one year after the notification. On these counts, 10% each in the value of Ext.A1 was deducted and the value was fixed at Rs.30,375/- per Are, though it is wrongly stated in some portions of the judgment that it is per cent. The extent involved in these cases are very meagre (L.A.R.No.17/99-2.62 Ares, L.A.R.20/99- 4.05 Ares, L.A.R.22/99-5.90 Ares and L.A.R.25/99-4.27 Ares). The fixation made by the reference court is based on the evidence available on record and we are of the view that it is just and reasonable. Thus the appeals lack merit and are accordingly dismissed.

I.A.3311/04 in L.A.A.713/04, I.A.3503/04 in L.A.A.741/04, I.A.4509/04 in L.A.A.1071/04 and I.A.3126/05 in L.A.A.1083/05 :
Dismissed.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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KURIAN JOSEPH &

T.R.RAMACHANDRAN NAIR, JJ

**L.A.A. Nos.713, 741, 1071 of 2004 &
1083 OF 2005**

J U D G M E N T

Dated 29th May, 2007.